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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,261	10/07/2003	Roberto Amaduzzi	2537-1007	3124

466 7590 04/12/2005

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT PAPER NUMBER

3752

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/679,261	AMADUZZI, ROBERTO	
	Examiner	Art Unit	
	Christopher S. Kim	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/30/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The response filed March 30, 2005 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The indicated allowability of claim 4 is withdrawn in view of the newly discovered reference(s) to Chuang (5,297,774); Gonyk (1,855,106); and Smith (5,833,145).
Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

4. Claims 2 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gonyk (1,855,106).

Gonyk discloses a spray gun 1 comprising an intercept valve comprising: a main body 18; a ball obturator 21; an annular seating 20; a pusher element (piston of 22 in contact with ball 21); a means for activating (handle 22).

The preamble "spray gun" has been considered to merely recite a name for the device. The body of the claim recites no limitation that breathes life and meaning to the term "spray gun".

Claim Rejections - 35 USC § 102/103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 5-7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chuang (5,297,774).

Chuang discloses a spray gun (sprayer shown in figure 11) comprising an intercept valve comprising: a main body 8; a ball obturator 15; an annular seating 16, 17; a pusher element 11, 113; a means for activating 1, 3.

The preamble "spray gun" has been considered to merely recite a name for the device. The body of the claim recites no limitation that breathes life and meaning to the term "spray gun".

Even if a "spray gun" is required by the claimed invention, "spray guns are well known in the art. Chuang discloses, column 3, lines 63-66, "...a water pipe or other fittings such as a sprinkler can be alternatively filled thereon..." It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a spray gun to the device of Chuang to provide a pistol grip sprayer to facilitate easy gripping.

Claim Rejections - 35 USC § 103

7. Claims 2 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang (5,297,774) in view of Smith (5,833,145).

Chuang discloses a spray gun (sprayer shown in figure 11) comprising an intercept valve comprising: a main body 8; a ball obturator 15; an annular seating 16, 17; a pusher element 11, 113; a means for activating 1, 3.

The preamble "spray gun" has been considered to merely recite a name for the device. The body of the claim recites no limitation that breathes life and meaning to the term "spray gun".

Even if a "spray gun" is required by the claimed invention, "spray guns are well known in the art. Smith discloses a spray gun 10 attached to water spigot W. Chuang discloses, column 3, lines 63-66, "...a water pipe or other fittings such as a sprinkler can be alternatively filled thereon..." It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a spray gun to the device of Chuang as taught by Smith for manipulation by the user (Smith, column 2, lines 57-62).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christopher S. Kim
Primary Examiner
Art Unit 3752

CK